

REMARKS/ARGUMENTS

Claims 6, 7 and 11 are pending. Claims 6 and 11 have been amended herein. Claims 1-6, 8-10 and 12-17 have been cancelled without intending to abandon or to dedicate to the public any patentable subject matter.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected Claims 6 and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The Examiner notes that no detecting step is set forth in Claim 6. Applicants have amended Claim 6 to recite a detecting step and Claim 11 to properly refer to the detecting step of Claim 6. Applicants therefore submit that the pending claims are sufficiently definite to meet the requirements of 35 U.S.C. § 112, second paragraph.

Claim Rejections Under 35 U.S.C. § 101

The Examiner has rejected Claims 6, 7 and 11 under 35 U.S.C. § 101 as reciting an inoperative invention. The Examiner points to sections of Example 2 and Example 8, which state that the detection of autoantibodies to IGRP was not seen in certain *in vitro* and *in vivo* mouse models. Applicants submit that while it may be true that not every diabetic sample will show autoantibodies to IGRP, the claims are directed to a diagnostic method that relies on the presence of autoantibodies to IGRP being indicative of diabetes or susceptibility to diabetes. Thus, the fact that not every case of diabetes can be detected using this method does not render the claimed diagnostic method inoperable. Applicants submit that the invention as claimed is operable when autoantibodies to IGRP are detected in a sample indicates that the sample was taken from a mammal that has or is susceptible to immune mediated (type 1) diabetes.

Applicants therefore respectfully request the Examiner's rejection under 35 U.S.C. § 101 be withdrawn.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,
SHERIDAN ROSS P.C.

By: /Robert D. Traver/
Robert D. Traver
Registration No. 47,999
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

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